

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

(1)	ABAB INC. an Oklahoma Corporation,	)	
(2)	AHMAD BAHREINI and	)	
(3)	SHAKIBA NASSER	)	
		)	
	Plaintiffs,	)	
		)	
v.		)	Case No. <u>CIV-13-1292-D</u>
		)	(formerly Oklahoma County District
(4)	SCOTTSDALE INSURANCE	)	Court Case No. CJ-2013-3047)
	COMPANY, an Ohio Corporation,	)	
		)	
	Defendant.	)	

**DEFENDANT SCOTTSDALE INSURANCE COMPANY'S NOTICE OF REMOVAL**

Defendant Scottsdale Insurance Company (hereinafter "Defendant" or "Scottsdale"), hereby submits its Notice of Removal of this action to the United States District Court for the Western District of Oklahoma. Pursuant to 28 U.S.C. § 1446 and LCvR 81.2, a copy of the state court docket sheet, as well as all documents filed or served in the state court action, are attached hereto as **EXHIBIT 1** (Docket Sheet), **EXHIBIT 2** (Plaintiff's Petition), **EXHIBIT 3** (Summons), **EXHIBIT 4** (Entry of Appearance of R. Thompson Cooper), and **EXHIBIT 5** (Answer). No other motions, pleadings or papers have been received by Defendant or filed in the state court case.

The basis of this removal is that the amount in controversy exceeds the jurisdictional amount required by 28 U.S.C. § 1332, and that diversity exists between Plaintiff and Defendant. In further support of this Notice, Defendant submits the following:

1. According to Plaintiffs' Petition, Plaintiff Abab, Inc., is an Oklahoma Corporation doing business in Oklahoma County, Oklahoma. (See ¶ 1 of Plaintiffs' Petition, attached hereto as **EXHIBIT 2.**)

2. According to Plaintiffs' Petition, Plaintiffs Ahmad Bahreini and Shakiba Nasser are husband and wife who reside in Oklahoma County, Oklahoma. (See ¶ 2 of Plaintiffs' Petition, attached hereto as **EXHIBIT 2**.)

3. Scottsdale is an Ohio Corporation, with its principal place of business in Scottsdale, Arizona. Indeed, Plaintiffs make this very allegation in their Petition. (See first sentence of ¶ 3 of Plaintiffs' Petition, attached hereto as **EXHIBIT 2**.)

4. This lawsuit arises out of a claim for insurance proceeds relating to property damage allegedly sustained at the premises formerly known as Heritage Park Mall located in Oklahoma County, Oklahoma. (See ¶ 6-10 of Plaintiffs' Petition, attached hereto as **EXHIBIT 2**.)

5. According to Plaintiffs' Petition, Plaintiffs seek actual damages in an amount of \$2,000,000, and consequential damages in an amount in excess of \$1,000,000. (See ¶ 11-12 of Plaintiffs' Petition, attached hereto as **EXHIBIT 2**.)

6. The Oklahoma Insurance Department received Plaintiffs' Summons and Petition on November 13, 2013. (See Oklahoma Insurance Department letter dated November 13, 2013, attached as **EXHIBIT 6**.) The Oklahoma Insurance Department mailed the Summons and Petition to Defendant on November 13, 2013. *Id.* Accordingly, this removal is timely filed pursuant to 28 U.S.C. § 1446(b).

7. In summary, this controversy is between parties who are residents of different states, with alleged damages in excess of \$75,000.00. Therefore, removal jurisdiction exists pursuant to 28 U.S.C. §1441(a) on the basis that the federal court has diversity jurisdiction under 28 U.S.C. §1332. At the time of this removal, there are no pending motions in this case in the Oklahoma County District Court.

8. Pursuant to 28 U.S.C. § 1446(d), written notice of the filing of this notice of removal will be served on counsel for Plaintiffs, and a copy of this notice of removal will be filed with the clerk of the District Court in and for Oklahoma County, State of Oklahoma.

9. Removal to this district court is proper under 28 U.S.C. § 116(a).

WHEREFORE, Defendant, Scottsdale Insurance Company, removes this action from Oklahoma County District Court to the United States District Court for the Western District of Oklahoma.

Respectfully submitted,

*s/R. Thompson Cooper*

R. Thompson Cooper, OBA No. 15746

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ATTORNEYS FOR DEFENDANT,

SCOTTSDALE INSURANCE COMPANY

**CERTIFICATE OF SERVICE**

This is to certify that on the 5<sup>th</sup> day of December 2013, a true and correct copy of the above and foregoing instrument was forwarded to:

Danny K. Shadid  
Michael P. Mosca  
DANNY K. SHADID, P.C.  
6301 Waterford Boulevard, Suite 110  
Oklahoma City, Oklahoma 73118

*VIA U.S. MAIL*

*s/R. Thompson Cooper*

For the Firm